

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 479

Introduced by Senator Bates

February 26, 2015

An act to amend Sections 27 and 2920 of, to amend, repeal, and add Sections 2922, 2923, and 2927 of, to add Chapter 6.7 (commencing with Section 2999.10) to Division 2 of, and to repeal Section 2999.25 of, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 479, as amended, Bates. ~~Healing arts.~~ *arts: behavior analysis: licensing.*

Existing law provides for the licensure and regulation of various healing arts licensees by various boards, as defined, within the Department of Consumer Affairs, including the Board of ~~Behavioral Sciences and the Board of Psychology~~. *Under existing law, until January 1, 2017, the board is vested with the power to enforce the Psychology Licensing Law, and consists of 9 members, 4 of whom are public members and 5 of whom are licensed psychologists. Existing law requires the board to post information on its licensees, as specified, including, among others, psychological assistants. Existing law specifies that a quorum of the board requires 5 members.*

~~This bill would declare the intent of the legislature to enact legislation to license and regulate the profession of applied behavioral analysis.~~

This bill would, on and after July 1, 2017, increase the number of members on the board to 11, and would increase the number of members for a quorum to 6 members. The bill would require the 2 new members to meet certain requirements, including, but not limited to, that they practice behavior analysis, as defined.

This bill would establish the Behavior Analyst Act. The bill would require a person to apply for and obtain a license from the board prior to engaging in the practice of behavior analysis, as defined, either as a behavior analyst or an assistant behavior analyst. The bill would require applicants to, among other things, meet certain educational and training requirements, and submit fingerprints for both a state and federal criminal background check.

This bill would, until January 1, 2021, vest the board with the power to enforce the Behavior Analyst Act, and would require the board to, among other things, post information regarding licensed behavior analysts and licensed assistant behavior analysts, as specified. The bill would, until January 1, 2021, create the Behavior Analyst Committee within the jurisdiction of the board, and would require the committee to be comprised of 5 members who shall be appointed as specified. The bill would authorize the committee to make recommendations to the board regarding the implementation of the act.

This bill would define certain terms for these purposes. The bill would require the board to conduct disciplinary hearings, as specified. The bill on and after January 1, 2018, make it unlawful to, among other things, practice behavior analysis without being licensed by the board, except as specified.

This bill would make a violation of any of these provisions a misdemeanor punishable by 6 months in the county jail or a fine not to exceed \$2,500, or by both imprisonment and a fine. By creating a new crime, this bill would result in a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 27 of the Business and Professions Code
- 2 is amended to read:
- 3 27. (a) Each entity specified in subdivisions (c), (d), and (e)
- 4 shall provide on the Internet information regarding the status of

every license issued by that entity in accordance with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public information to be provided on the Internet shall include information on suspensions and revocations of licenses issued by the entity and other related enforcement action, including accusations filed pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) taken by the entity relative to persons, businesses, or facilities subject to licensure or regulation by the entity. The information may not include personal information, including home telephone number, date of birth, or social security number. Each entity shall disclose a licensee's address of record. However, each entity shall allow a licensee to provide a post office box number or other alternate address, instead of his or her home address, as the address of record. This section shall not preclude an entity from also requiring a licensee, who has provided a post office box number or other alternative mailing address as his or her address of record, to provide a physical business address or residence address only for the entity's internal administrative use and not for disclosure as the licensee's address of record or disclosure on the Internet.

(b) In providing information on the Internet, each entity specified in subdivisions (c) and (d) shall comply with the Department of Consumer Affairs' guidelines for access to public records.

(c) Each of the following entities within the Department of Consumer Affairs shall comply with the requirements of this section:

(1) The Board for Professional Engineers, Land Surveyors, and Geologists shall disclose information on its registrants and licensees.

(2) The Bureau of Automotive Repair shall disclose information on its licensees, including auto repair dealers, smog stations, lamp and brake stations, smog check technicians, and smog inspection certification stations.

(3) The Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation shall disclose information on its licensees and registrants, including major appliance repair

1 dealers, combination dealers (electronic and appliance), electronic
2 repair dealers, service contract sellers, and service contract
3 administrators.

4 (4) The Cemetery and Funeral Bureau shall disclose information
5 on its licensees, including cemetery brokers, cemetery salespersons,
6 cemetery managers, crematory managers, cemetery authorities,
7 crematories, cremated remains disposers, embalmers, funeral
8 establishments, and funeral directors.

9 (5) The Professional Fiduciaries Bureau shall disclose
10 information on its licensees.

11 (6) The Contractors' State License Board shall disclose
12 information on its licensees and registrants in accordance with
13 Chapter 9 (commencing with Section 7000) of Division 3. In
14 addition to information related to licenses as specified in
15 subdivision (a), the board shall also disclose information provided
16 to the board by the Labor Commissioner pursuant to Section 98.9
17 of the Labor Code.

18 (7) The Bureau for Private Postsecondary Education shall
19 disclose information on private postsecondary institutions under
20 its jurisdiction, including disclosure of notices to comply issued
21 pursuant to Section 94935 of the Education Code.

22 (8) The California Board of Accountancy shall disclose
23 information on its licensees and registrants.

24 (9) The California Architects Board shall disclose information
25 on its licensees, including architects and landscape architects.

26 (10) The State Athletic Commission shall disclose information
27 on its licensees and registrants.

28 (11) The State Board of Barbering and Cosmetology shall
29 disclose information on its licensees.

30 (12) The State Board of Guide Dogs for the Blind shall disclose
31 information on its licensees and registrants.

32 (13) The Acupuncture Board shall disclose information on its
33 licensees.

34 (14) The Board of Behavioral Sciences shall disclose
35 information on its licensees, including licensed marriage and family
36 therapists, licensed clinical social workers, licensed educational
37 psychologists, and licensed professional clinical counselors.

38 (15) The Dental Board of California shall disclose information
39 on its licensees.

1 (16) The State Board of Optometry shall disclose information
2 regarding certificates of registration to practice optometry,
3 statements of licensure, optometric corporation registrations, branch
4 office licenses, and fictitious name permits of its licensees.

5 (17) The Board of Psychology shall disclose information on its
6 licensees, including psychologists, psychological assistants, ~~and~~
7 ~~registered psychologists.~~ *psychologists, behavior analysts, and*
8 *assistant behavior analysts.*

9 (d) The State Board of Chiropractic Examiners shall disclose
10 information on its licensees.

11 (e) The Structural Pest Control Board shall disclose information
12 on its licensees, including applicators, field representatives, and
13 operators in the areas of fumigation, general pest and wood
14 destroying pests and organisms, and wood roof cleaning and
15 treatment.

16 (f) “Internet” for the purposes of this section has the meaning
17 set forth in paragraph (6) of subdivision (f) of Section 17538.

18 *SEC. 2. Section 2920 of the Business and Professions Code is*
19 *amended to read:*

20 2920. (a) The Board of Psychology shall enforce and
21 administer this ~~chapter.~~ *chapter and Chapter 6.7 (commencing*
22 *with Section 2999.10).* The board shall consist of nine members,
23 four of whom shall be public members.

24 (b) *On and after July 1, 2017, notwithstanding paragraph (a),*
25 *the board shall consist of 11 members, four of whom shall be public*
26 *members.*

27 ~~(b)~~

28 (c) This section shall remain in effect only until January 1, 2017,
29 and as of that date is ~~repealed, unless a later enacted statute, that~~
30 ~~is enacted before January 1, 2017, deletes or extends that date.~~
31 *repealed.*

32 ~~(c)~~

33 (d) Notwithstanding any other ~~provision of law,~~ the repeal of
34 this section renders the board subject to review by the appropriate
35 policy committees of the Legislature.

36 *SEC. 3. Section 2922 of the Business and Professions Code is*
37 *amended to read:*

38 2922. (a) In appointing the members of the board, except the
39 public members, the Governor shall use his or her judgment to

1 select psychologists who represent, as widely as possible, the varied
2 professional interests of psychologists in California.

3 ~~The~~

4 (b) *The Governor shall appoint two of the public members and*
5 *the five licensed members of the board qualified as provided in*
6 *Section 2923. The Senate-Rules Committee on Rules and the*
7 *Speaker of the Assembly shall each appoint a public member, and*
8 *their initial appointment shall be made to fill, respectively, the first*
9 *and second public member vacancies which occur on or after*
10 *January 1, 1983: member.*

11 (c) *This section shall become inoperative on July 1, 2017, and,*
12 *as of January 1, 2018, is repealed.*

13 SEC. 4. *Section 2922 is added to the Business and Professions*
14 *Code, to read:*

15 2922. (a) *In appointing the licensed members of the board,*
16 *the Governor shall use his or her judgment to select psychologists*
17 *and behavior analysts who represent, as widely as possible, the*
18 *varied professional interests of psychologists and behavior analysts*
19 *in California.*

20 (b) *The Governor shall appoint two of the public members and*
21 *the seven licensed members of the board qualified as provided in*
22 *Section 2923. The Senate Committee on Rules and the Speaker of*
23 *the Assembly shall each appoint a public member.*

24 (c) *This section shall become operative on July 1, 2017.*

25 SEC. 5. *Section 2923 of the Business and Professions Code is*
26 *amended to read:*

27 2923. (a) Each member of the board shall have all of the
28 following qualifications:

29 ~~(a)~~

30 (1) He or she shall be a resident of this state.

31 ~~(b)~~

32 (2) Each member appointed, except the public members, shall
33 be a licensed psychologist.

34 ~~The~~

35 (b) *The public members shall not be licentiates of the board or*
36 *of any board under this division or of any board referred to in the*
37 *Chiropractic Act or the Osteopathic Act.*

38 (c) *This section shall become inoperative on July 1, 2017, and,*
39 *as of January 1, 2018, is repealed.*

1 *SEC. 6. Section 2923 is added to the Business and Professions*
2 *Code, to read:*

3 2923. (a) *Each member of the board shall be a resident of this*
4 *state.*

5 (b) *Five members of the board shall be licensed as psychologists*
6 *under this chapter.*

7 (c) *One member shall be licensed as a psychologist under this*
8 *chapter and shall be qualified to practice behavior analysis, as*
9 *defined in Section 2999.12, as follows:*

10 (1) *For the first appointment after the operative date of this*
11 *section, the member shall hold a certificate as a certified behavior*
12 *analyst from a certifying entity, as defined in Section 2999.12.*

13 (2) *For subsequent appointments, the member shall be licensed*
14 *as a behavior analyst under Chapter 6.7 (commencing with Section*
15 *2999.10).*

16 (d) *One member shall be qualified to practice behavior analysis,*
17 *as defined in Section 2999.12, as follows:*

18 (1) *For the first appointment after the operative date of this*
19 *section, the member shall hold a certificate as a certified behavior*
20 *analyst from a certifying entity, as defined in Section 2999.12.*

21 (2) *For subsequent appointments, the member shall be licensed*
22 *as a behavior analyst under Chapter 6.7 (commencing with Section*
23 *2999.10).*

24 (e) *The public members shall not be licentiates of the board or*
25 *of any board under this division or of any board referred to in the*
26 *Chiropractic Act or the Osteopathic Act.*

27 (f) *This section shall become operative on July 1, 2017.*

28 *SEC. 7. Section 2927 of the Business and Professions Code is*
29 *amended to read:*

30 2927. (a) *Five members of the board shall at all times*
31 *constitute a quorum.*

32 (b) *This section shall become inoperative on July 1, 2017, and,*
33 *as of January 1, 2018, is repealed.*

34 *SEC. 8. Section 2927 is added to the Business and Professions*
35 *Code, to read:*

36 2927. (a) *Six members of the board shall at all times constitute*
37 *a quorum.*

38 (b) *This section shall become operative on July 1, 2017.*

39 *SEC. 9. Chapter 6.7 (commencing with Section 2999.10) is*
40 *added to Division 2 of the Business and Professions Code, to read:*

1
2 CHAPTER 6.7. BEHAVIOR ANALYSTS
3

4 Article 1. General Provisions
5

6 2999.10. This chapter shall be known and may be cited as the
7 Behavior Analyst Act.

8 2999.11. (a) The Legislature finds and declares that the
9 practice of behavior analysis in California affects the public health,
10 safety, and welfare, and is subject to regulation to protect the
11 public from the unauthorized and unqualified practice of behavior
12 analysis, and unprofessional, unethical or harmful conduct by
13 persons licensed to practice behavior analysis.

14 (b) It is the intent of the Legislature that the board begin
15 accepting applications for behavior analyst licensure and assistant
16 behavior analyst licensure no later than January 1, 2018, provided
17 that the funds necessary to implement this chapter have been
18 appropriated by the Legislature as specified in Section 2999.98.

19 2999.12. For purposes of this chapter, the following terms
20 have the following meanings:

21 (a) “Board” means the Board of Psychology.

22 (b) “Certifying entity” means the Behavior Analyst Certification
23 Board or its successor, or a national organization with a behavior
24 analyst certification program approved by the board and
25 accredited by the National Commission for Certifying Agencies.

26 (c) “Committee” means the Behavior Analyst Committee.

27 (d) “Department” means the Department of Consumer Affairs.

28 (e) “Licensed assistant behavior analyst” means a person
29 licensed under this chapter to practice behavior analysis under
30 the supervision of a licensed behavior analyst and who meets the
31 requirements of Section 2999.33.

32 (f) “Licensed behavior analyst” means a person licensed under
33 this chapter to practice behavior analysis and who meets the
34 requirements of Section 2999.31.

35 (g) (1) “Practice of behavior analysis” or “to practice behavior
36 analysis” means the design, implementation, and evaluation of
37 instructional and environmental modifications to produce socially
38 significant improvements in human behavior and includes any of
39 the following:

1 (A) *The empirical identification of functional relations between*
2 *behavior and environmental factors, known as functional*
3 *assessment and analysis.*

4 (B) *Interventions based on scientific research and the direct*
5 *observation and measurement of behavior and the environment.*

6 (C) *Utilization of contextual factors, motivating operations,*
7 *antecedent stimuli, positive reinforcement, and other consequences*
8 *to help people develop new behaviors, increase or decrease existing*
9 *behaviors, and emit behaviors under specific environmental*
10 *conditions.*

11 (2) *The practice of behavior analysis does not include*
12 *psychological testing, diagnosis of a mental or physical disorder,*
13 *neuropsychology, psychotherapy, cognitive therapy, sex therapy,*
14 *psychoanalysis, hypnotherapy, or counseling as treatment*
15 *modalities.*

16
17 *Article 2. Administration*
18

19 2999.20. (a) *The Board of Psychology is vested with the power*
20 *to administer the provisions and requirements of this chapter, and*
21 *may make and enforce rules and regulations that are reasonably*
22 *necessary to carry out its provisions.*

23 (b) *This section shall remain in effect only until January 1, 2021,*
24 *and as of that date is repealed. Notwithstanding any other law,*
25 *the repeal of this section renders the board subject to review by*
26 *the appropriate policy committees of the Legislature.*

27 2999.21. *Protection of the public shall be the highest priority*
28 *for the board in exercising its licensing, regulatory, and*
29 *disciplinary functions pursuant to this chapter. Whenever the*
30 *protection of the public is inconsistent with other interests sought*
31 *to be promoted, the protection of the public shall be paramount.*

32 2999.22. *Upon recommendation of the committee, the board*
33 *shall adopt, amend, and repeal regulations to implement the*
34 *requirements of this chapter. All regulations adopted by the board*
35 *shall comply with the provisions of Chapter 3.5 (commencing with*
36 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
37 *Code.*

38 2999.23. *The board may employ, subject to civil service and*
39 *other laws, employees as may be necessary to carry out the*

1 provisions of this chapter under the direction of the executive
2 officer of the board.

3 2999.24. The board shall maintain, and make available to the
4 public, a list of all licensees. The board shall make available on
5 its Internet Web site information regarding the status of every
6 license issued by the board under this chapter pursuant to Section
7 27.

8 2999.25. (a) The Behavior Analyst Committee is hereby
9 created within the jurisdiction of the board to protect the public
10 from the unauthorized and unqualified practice of applied behavior
11 analysis, and unprofessional, unethical, or harmful conduct by
12 persons licensed to practice behavior analysis.

13 (b) The committee shall consist of five members. Two members
14 shall be licensed behavior analysts. One member shall be a
15 psychologist licensed under Chapter 6.6 (commencing with Section
16 2900) who is also a member of the Board of Psychology and who
17 holds a license as a behavior analyst. One member shall be a
18 licensed assistant behavior analyst. One member shall be a public
19 member who is a consumer of behavior analysis services and who
20 is not licensed under this chapter, under any chapter within this
21 division, or by any board referred to in the Chiropractic Act or
22 the Osteopathic Act.

23 (c) The Governor shall appoint one licensed behavior analyst
24 member, the licensed psychologist member, and the licensed
25 assistant behavior analyst member. The Senate Committee on
26 Rules shall appoint the public member, and the Speaker of the
27 Assembly shall appoint one licensed behavior analyst member.

28 (d) Notwithstanding subdivisions (b) and (c), the initially
29 appointed members of the committee shall be appointed as follows:

30 (1) The initial members appointed by the Governor shall be as
31 follows:

32 (A) One member shall hold a certificate as a certified behavior
33 analyst from a certifying entity and shall serve an initial term of
34 one year.

35 (B) One member shall hold a certificate as a certified assistant
36 behavior analyst from a certifying entity and shall serve an initial
37 term of two years.

38 (C) One member shall be a licensed psychologist who holds a
39 certificate as a certified behavior analyst from a certifying entity
40 and shall serve an initial term of three years.

1 (2) *The initial member appointed by the Senate Committee on*
2 *Rules shall serve a term of four years.*

3 (3) *The initial member appointed by the Speaker of the Assembly*
4 *shall hold a certificate as a certified behavior analyst from a*
5 *certifying entity and shall serve an initial term of four years.*

6 (e) *Except as provided in paragraph (d), each member of the*
7 *committee shall hold office for a term of four years, and shall serve*
8 *until the appointment of his or her successor or until one year has*
9 *elapsed since the expiration of the term for which he or she was*
10 *appointed, whichever occurs first. Vacancies shall be filled by the*
11 *appointing power for the unexpired portion of the terms in which*
12 *they occur. A member shall not serve for more than two consecutive*
13 *terms.*

14 (f) *All terms shall begin on July 1 and expire on June 30.*

15 (g) *Each member of the committee shall receive per diem and*
16 *expenses as provided in Sections 103 and 113.*

17 (h) *Three members of the committee shall at all times constitute*
18 *a quorum.*

19 (i) *This section shall become operative on July 1, 2017.*

20 (j) *This section shall remain in effect only until January 1, 2021,*
21 *and as of that date is repealed. Notwithstanding any other law,*
22 *the repeal of this section renders the committee subject to review*
23 *by the appropriate policy committees of the Legislature.*

24 2999.26. *The committee shall do all of the following:*

25 (a) *Meet at least once per quarter. All meetings of the committee*
26 *shall be public meetings. Notice of each regular meeting of the*
27 *board shall be given in accordance with the Bagley-Keene Open*
28 *Meeting Act (Article 9 (commencing with Section 11120) of*
29 *Chapter 1 of Part 1 of Division 3 of Title 2 of the Government*
30 *Code).*

31 (b) *Committee meetings may be called upon reasonable notice*
32 *at the discretion of the chair, and shall be called at any time upon*
33 *reasonable notice by a written request of two committee members*
34 *to the chair.*

35 (c) *The committee shall elect a chair and a vice chair from*
36 *among its members at the first meeting held in each fiscal year.*
37 *The chair shall preside at all meetings of the committee and shall*
38 *work with the executive officer of the board to coordinate the*
39 *committee's business. If the chair is unable to attend a meeting,*
40 *the vice chair shall preside at the meeting.*

1 2999.27. (a) *The committee may make recommendations to*
2 *the board regarding licensing and practice standards.*

3 (b) *The committee may make recommendations to the board*
4 *regarding the adoption, amendment, and repeal of regulations to*
5 *implement the requirements of this chapter including, but not*
6 *limited to, the setting of fees and the establishment of disciplinary*
7 *actions.*

8 2999.28. *Any action taken by the committee under this chapter*
9 *shall only be effective after adoption by majority vote of the*
10 *members of the committee and after adoption by a majority vote*
11 *of the members of the board.*

12
13 Article 3. Licensing
14

15 2999.30. *To qualify for licensure as a licensed behavior analyst*
16 *or a licensed assistant behavior analyst, each applicant shall meet*
17 *the board's regulatory requirements for behavior analyst or*
18 *assistant behavior analyst licensure, as applicable, including all*
19 *of the following:*

20 (a) *The applicant has not committed acts or crimes constituting*
21 *grounds for denial of licensure under Section 480.*

22 (b) *The board shall not issue a license or registration to any*
23 *person who has been convicted of a crime in this state, or another*
24 *state, or in a territory of the United States that involves sexual*
25 *abuse of a child, or who is required to register pursuant to Section*
26 *290 of the Penal Code or the equivalent in another state or*
27 *territory.*

28 (c) *The applicant has successfully passed a state and federal*
29 *level criminal offender record information search conducted*
30 *through the Department of Justice, as follows:*

31 (1) *The board shall direct applicants to electronically submit*
32 *to the Department of Justice fingerprint images and related*
33 *information required by the Department of Justice for the purpose*
34 *of obtaining information as to the existence and content of a record*
35 *of state and federal level convictions and arrests and information*
36 *as to the existence and content of a record of state or federal level*
37 *arrests for which the Department of Justice establishes that the*
38 *person is free on bail or on his or her own recognizance pending*
39 *trial or appeal.*

1 (2) *The Department of Justice shall forward the fingerprint*
2 *images and related information received pursuant to paragraph*
3 *(1) to the Federal Bureau of Investigation and request a federal*
4 *summary for criminal history information.*

5 (3) *The Department of Justice shall review the information*
6 *returned from the Federal Bureau of Investigation and compile*
7 *and disseminate a response to the board pursuant to paragraph*
8 *(1) of subdivision (p) of Section 11105 of the Penal Code.*

9 (4) *The board shall request from the Department of Justice*
10 *subsequent arrest notification service, pursuant to Section 11105.2*
11 *of the Penal Code, for each person who submitted information*
12 *pursuant to paragraph (1).*

13 (5) *The Department of Justice shall charge a fee sufficient to*
14 *cover the cost of processing the request described in this section.*

15 2999.31. (a) *To obtain a license as a behavior analyst, an*
16 *individual shall submit an application on a form approved by the*
17 *board accompanied by the fees required by the board as specified*
18 *in Section 2999.93.*

19 (b) *The board shall verify with the certifying entity that the*
20 *applicant meets all of the following requirements:*

21 (1) *Has passed the Board Certified Behavior Analyst*
22 *examination administered by the Behavior Analyst Certification*
23 *Board.*

24 (2) *Maintains an active status as a certified behavior analyst*
25 *with the certifying entity.*

26 (3) *Is in compliance with all ethical and disciplinary standards*
27 *published by the certifying entity.*

28 (c) *Each applicant shall obtain a passing score on a California*
29 *law and ethics examination administered by the board.*

30 2999.32. (a) *In order for an individual to be licensed as a*
31 *behavior analyst under this chapter, he or she shall possess a*
32 *master's degree or higher level of education from an institution,*
33 *which meets the requirements described in Section 2999.35, that*
34 *was conferred in behavior analysis or other natural science,*
35 *education, human services, engineering, medicine, or a field related*
36 *to behavior analysis and approved by the certifying entity.*

37 (b) *In addition to subdivision (a), an individual shall meet one*
38 *of the following in order to be licensed under this chapter:*

39 (1) *An individual shall have completed both of the following:*

- 1 (A) Completed 270 hours of classroom graduate-level
2 instruction in the following content areas:
- 3 (i) Ethical and professional conduct coursework consisting of
4 45 hours. The content must be taught in one or more freestanding
5 courses devoted to ethical and professional conduct of behavior
6 analysts.
- 7 (ii) Concepts and principles of behavior analysis consisting of
8 45 hours.
- 9 (iii) Research methods in behavior analysis, consisting of 25
10 hours of measurement, including data analysis, and 20 hours of
11 experimental design.
- 12 (iv) Applied behavior analysis, consisting of 45 hours of
13 fundamental elements of behavior change and specific behavior
14 change procedures, 30 hours of identification of the problem and
15 assessment, 10 hours of intervention and behavior change
16 considerations, 10 hours of behavior change systems, and 10 hours
17 of implementation, management and supervision.
- 18 (v) Discretionary coursework in behavior analysis consisting
19 of 30 hours.
- 20 (B) Obtained experience by any of the following:
- 21 (i) Completed 1,500 hours of independent field work in behavior
22 analysis supervised in accordance with the requirements of the
23 certifying entity.
- 24 (ii) Completed, with a passing grade, 1,000 hours of supervised
25 practicum in behavior analysis within a university practicum
26 approved by the certifying entity and taken for graduate academic
27 credit.
- 28 (iii) Completed, with a passing grade, 750 hours of supervised
29 intensive practicum in behavior analysis within a university
30 practicum approved by the certifying entity and taken for graduate
31 academic credit.
- 32 (iv) Completed a combination of the supervised experience in
33 clause (i), (ii), or (iii). Hours may be completed in any combination
34 of the categories of supervised experience. Hours accrued through
35 a combination of supervised experience shall be proportionately
36 calculated.
- 37 (2) An individual shall have done both of the following:
- 38 (A) Completed one academic year as a full-time faculty
39 appointment at a college or university, as described in Section
40 2999.35, during which he or she did all of the following:

1 (i) Taught classes on basic principles of behavior, single-subject
2 research methods, applications of basic principles of behavior in
3 applied settings, and ethical issues.

4 (ii) Conducted and published research in behavior analysis.

5 (B) Obtained experience by any of the following:

6 (i) Completed 1,500 hours of independent field work in behavior
7 analysis supervised in accordance with the requirements of the
8 certifying entity.

9 (ii) Completed, with a passing grade, 1,000 hours of supervised
10 practicum in behavior analysis within a university practicum
11 approved by the certifying entity and taken for graduate academic
12 credit.

13 (iii) Completed, with a passing grade, 750 hours of supervised
14 intensive practicum in behavior analysis within a university
15 practicum approved by the certifying entity and taken for graduate
16 academic credit.

17 (iv) Completed a combination of the supervised experience in
18 clause (i), (ii), or (iii). Hours may be completed in any combination
19 of the categories of supervised experience. Hours accrued through
20 a combination of supervised experience shall be proportionately
21 calculated.

22 (3) An individual shall have both of the following:

23 (i) A doctoral degree, conferred at least 10 years prior to the
24 date of application in the field of behavior analysis, psychology,
25 education, or a related field approved by the certifying entity.

26 (ii) Ten years of verified and documented postdoctoral
27 experience practicing behavior analysis.

28 (c) If an individual is certified by a certifying entity whose
29 requirements for initial certification as a certified behavior analyst
30 at the time of license application meet or surpass the requirements
31 in subdivisions (a) and (b), the applicant for licensure shall be
32 deemed to have satisfied the requirements in subdivisions (a) and
33 (b).

34 2999.33. (a) To obtain a license as an assistant behavior
35 analyst, an individual shall submit an application on a form
36 approved by the board accompanied by the fees required by the
37 board as specified in Section 2999.93.

38 (b) The board shall verify with the certifying entity that the
39 applicant meets all of the following requirements:

1 (1) *Has passed the Board Certified Assistant Behavior Analyst*
2 *examination administered by the certifying entity.*

3 (2) *Maintains an active status as a board certified assistant*
4 *behavior analyst with the certifying entity.*

5 (3) *Is in compliance with all ethical and disciplinary standards*
6 *published by the certifying entity.*

7 (c) *Each applicant shall obtain a passing score on a California*
8 *law and ethics examination administered by the board.*

9 (d) *Each applicant shall provide proof of ongoing supervision*
10 *by a licensed behavior analyst in a manner consistent with the*
11 *certifying entity's requirements for supervision of assistant*
12 *behavior analysts.*

13 2999.34. (a) *In order for an individual to be licensed as an*
14 *assistant behavior analyst under this chapter, he or she shall*
15 *possess a baccalaureate degree or higher level of education from*
16 *an institution that meets the requirements described in Section*
17 2999.35.

18 (b) *In addition to subdivision (a), an individual shall meet both*
19 *of the following in order to be licensed under this chapter:*

20 (1) *Completed 180 classroom hours of undergraduate or*
21 *graduate level instruction in the following content areas:*

22 (A) *Ethical and professional conduct coursework of behavior*
23 *analysis consisting of 15 hours.*

24 (B) *Concepts and principles of behavior analysis consisting of*
25 *45 hours.*

26 (C) *Research methods in behavior analysis, consisting of 10*
27 *hours of measurement, including data analysis, and five hours of*
28 *experimental design.*

29 (D) *Applied behavior analysis, consisting of 45 hours of*
30 *fundamental elements of behavior change and specific behavior*
31 *change procedures, 30 hours of identification of the problem and*
32 *assessment, five hours of intervention and behavior change*
33 *considerations, five hours of behavior change systems, and five*
34 *hours of implementation, management and supervision.*

35 (E) *Discretionary coursework in behavior analysis consisting*
36 *of 15 hours.*

37 (2) *Obtained experience by any of the following:*

38 (A) *Completed 1,000 hours of independent field work in behavior*
39 *analysis supervised in accordance with the requirements of the*
40 *certifying entity.*

1 (B) Completed, with a passing grade, 670 hours of supervised
2 practicum in behavior analysis within a university practicum
3 approved by the certifying entity and taken for academic credit.

4 (C) Completed, with a passing grade, 500 hours of supervised
5 intensive practicum in behavior analysis within a university
6 practicum approved by the certifying entity and taken for academic
7 credit.

8 (D) Completed a combination of the supervised experience in
9 paragraph (A), (B), or (C). Hours may be completed in any
10 combination of the categories of supervised experience. Hours
11 accrued through a combination of supervised experience shall be
12 proportionately calculated.

13 (c) If an individual is certified by a certifying entity whose
14 requirements for initial certification as a certified assistant
15 behavior analyst at the time of license application meet or surpass
16 the requirements in subdivisions (a) and (b), the applicant for
17 licensure shall be deemed to have satisfied the requirements in
18 subdivisions (a) and (b).

19 2999.35. The education required to obtain a behavior analyst
20 license or an assistant behavior analyst license shall be from any
21 of the following:

22 (a) A United States institution of higher education listed by the
23 Council for Higher Education Accreditation.

24 (b) A Canadian institution of higher education that is a member
25 of the Association of Universities and Colleges of Canada or the
26 Association of Canadian Community Colleges.

27 (c) An institution of higher education located outside the United
28 States or Canada that, at the time the applicant was enrolled and
29 at the time the applicant graduated, maintained a standard of
30 training equivalent to the standards of training of those institutions
31 accredited in the United States as demonstrated by a member of
32 the National Association of Credential Evaluation Services.

33 2999.36. On and after January 1, 2018, it shall be unlawful
34 for any person to engage in any of the following acts:

35 (a) Engage in the practice of behavior analysis, as defined in
36 Section 2999.12, without first having complied with the provisions
37 of this chapter and without holding a current, valid, and active
38 license as required by this chapter.

1 ***(b) Represent himself or herself by the title “licensed behavior***
2 ***analyst,” or “licensed assistant behavior analyst” without being***
3 ***duly licensed according to the provisions of this chapter.***

4 ***(c) Make any use of any title, words, letters, or abbreviations***
5 ***that may reasonably be confused with a designation provided by***
6 ***this chapter to denote a standard of professional or occupational***
7 ***competence without being duly licensed.***

8 ***(d) Materially refuse to furnish the board information or records***
9 ***required or requested pursuant to this chapter.***

10 ***2999.37. This chapter does not apply to any of the following:***

11 ***(a) An individual licensed to practice psychology in this state***
12 ***under Chapter 6.6 (commencing with Section 2900), if the practice***
13 ***of behavior analysis engaged in by the licensed psychologist is***
14 ***within the licensed psychologist’s training and competence.***

15 ***(b) An occupational therapist licensed under Chapter 5.6***
16 ***(commencing with Section 2570), a physical therapist licensed***
17 ***under Chapter 5.7 (commencing with Section 2600), a marriage***
18 ***and family therapist licensed under Chapter 13 (commencing with***
19 ***Section 4980) or an educational psychologist licensed under***
20 ***Chapter 13.5 (commencing with Section 4980.10) acting within***
21 ***his or her licensed scope of practice and within the scope of his***
22 ***or her training and competence, provided that he or she does not***
23 ***represent himself or herself as a licensed behavior analyst or***
24 ***licensed assistant behavior analyst.***

25 ***(c) An individual, including a paraprofessional technician,***
26 ***acting under the authority and direction of a licensed behavior***
27 ***analyst, a licensed assistant behavior analyst, or an individual***
28 ***described in paragraph (a) or (b).***

29 ***(d) A family member of a recipient of behavior analysis services***
30 ***who acts under the extended authority and direction of a licensed***
31 ***behavior analyst or a licensed assistant behavior analyst.***

32 ***(e) A matriculated college or university student who practices***
33 ***behavior analysis as a part of a defined program of study, course,***
34 ***practicum, internship, or postdoctoral fellowship, provided that***
35 ***the behavior analysis activities are directly supervised by a***
36 ***licensed behavior analyst or by an instructor in a course sequence***
37 ***approved by the certifying entity.***

38 ***(f) An unlicensed individual pursuing supervised experience in***
39 ***behavior analysis consistent with the experience requirements of***

1 *the certifying entity, provided such experience is supervised in*
2 *accordance with the requirements of the certifying entity.*

3 *(g) An individual who teaches behavior analysis or conducts*
4 *behavior analytic research, provided that such teaching or*
5 *research does not involve the direct delivery of behavior analysis*
6 *services.*

7 *(h) A behavior analyst licensed in another state or certified by*
8 *the certifying entity to practice independently, and who temporarily*
9 *provides behavior analysis services in California during a period*
10 *of not more than 90 days in a calendar year.*

11 *(i) An individual who is vendorized by one or more regional*
12 *centers of the California Department of Developmental Services*
13 *while practicing behavior analysis services authorized under that*
14 *vendorization. That individual shall not represent himself or herself*
15 *as a licensed behavior analyst or licensed assistant behavior*
16 *analyst unless he or she holds a license under this chapter, and*
17 *shall not offer behavior analysis services to any person or entity*
18 *other than the regional centers with which he or she is vendorized*
19 *or accept remuneration for providing behavior analysis services*
20 *other than the remuneration received from those regional centers.*

21 *(j) An individual employed by a school board performing the*
22 *duties of his or her position, provided that he or she shall only*
23 *offer behavior analysis services within the scope of that*
24 *employment by the school board.*

25 *2999.40. (a) The board shall issue a license to a person who*
26 *is licensed as a behavior analyst or an assistant behavior analyst*
27 *in another state, if that state currently imposes comparable*
28 *licensure requirements as those required by this state and if that*
29 *state offers reciprocity to individuals licensed under this chapter.*
30 *Applicants for a license under reciprocity shall submit an*
31 *application on a form approved by the board accompanied by the*
32 *fees required by the board as specified in Section 2999.93. Each*
33 *applicant shall complete any other eligibility requirements*
34 *established by the board, including, but not limited to, the criminal*
35 *background check required by Section 2999.30.*

36 *(b) The board shall verify that the applicant meets all of the*
37 *following:*

38 *(1) Holds an active license as a licensed behavior analyst or*
39 *licensed assistant behavior analyst in another state.*

1 (2) *Is not subject to any disciplinary action by another state or*
2 *certifying entity.*

3 (3) *Maintains an active status as board certified behavior*
4 *analyst or board certified assistant behavior analyst with the*
5 *certifying entity.*

6 (4) *Is in compliance with all ethical and disciplinary standards*
7 *published by the certifying entity.*

8 (c) *Each applicant shall obtain a passing score on a California*
9 *law and ethics examination administered by the board.*

10 2999.41. *A licensee shall give written notice to the board of a*
11 *name change within 30 days after each change, giving both the*
12 *old and new names. A copy of the legal document authorizing the*
13 *name change, such as a court order or marriage certificate, shall*
14 *be submitted with the notice.*

15 2999.44. (a) *A license shall expire and become invalid two*
16 *years after it is issued at 12 midnight on the last day of the month*
17 *in which it was issued, if not renewed.*

18 (b) *To renew an unexpired license, the licensee shall, on or*
19 *before the date on which it would otherwise expire, apply for*
20 *renewal on a form provided by the board, accompanied by the*
21 *renewal fee set by the board. The board shall obtain verification*
22 *from the certifying entity that the renewal applicant maintains an*
23 *active certification status with the certifying entity.*

24 (c) *To renew an assistant behavior analyst license, in addition*
25 *to the requirements in paragraph (b), the licensee shall submit*
26 *proof of ongoing supervision by a licensed behavior analyst in a*
27 *manner consistent with the certifying entity's requirements for*
28 *supervision of assistant behavior analysts.*

29 2999.45. (a) *A license that has expired may be renewed at any*
30 *time within three years after its expiration by applying for renewal*
31 *on a form provided by the board, payment of all accrued and*
32 *unpaid renewal fees, and the delinquency fee specified in Section*
33 *2999.93. The board shall obtain verification from the certifying*
34 *entity of the licensee's active certification status with the certifying*
35 *entity.*

36 (b) *Except as provided in Section 2999.46, a license that is not*
37 *renewed within three years of its expiration shall not be renewed,*
38 *restored, or reinstated, and the license shall be canceled*
39 *immediately upon expiration of the three year-period.*

1 2999.46. (a) A suspended license is subject to expiration and
2 shall be renewed as provided in this article, but such renewal does
3 not entitle the licensee, while the license remains suspended, and
4 until it is reinstated, to engage in the licensed activity or in any
5 other activity or conduct in violation of the order or judgment by
6 which the license was suspended.

7 (b) A license revoked on disciplinary grounds is subject to
8 expiration as provided in this article, but it may not be renewed.
9 If it is reinstated after its expiration, the licensee, as a condition
10 of reinstatement, shall pay a reinstatement fee in an amount equal
11 to the renewal fee, plus the delinquency fee and any fees accrued
12 at the time of its revocation.

13 14 Article 4. Enforcement

15
16 2999.60. The board may on its own, and shall, upon the receipt
17 of a complaint from any person, investigate the actions of any
18 licensee. The board shall review a licensee's alleged violation of
19 statute, regulation, or any other law and any other complaint
20 referred to it by the public, a public agency, or the department,
21 and may upon a finding of a violation take disciplinary action
22 under this article.

23 2999.61. A license issued under this chapter may be denied,
24 revoked, or otherwise sanctioned upon demonstration of
25 ineligibility for licensure, including, but not limited to, failure to
26 maintain active certification by the certifying entity or falsification
27 of documentation submitted to the board for licensure or submitted
28 to the certifying authority for certification.

29 2999.62. The board may deny a license application, may issue
30 a license with terms and conditions, may suspend or revoke a
31 license, or may place a license on probation if the applicant or
32 licensee has been guilty of unprofessional conduct. Unprofessional
33 conduct shall include, but not be limited to:

34 (a) Conviction of a crime substantially related to the
35 qualifications, functions, or duties of a licensed behavior analyst
36 or a licensed assistant behavior analyst.

37 (b) Use of any controlled substance as defined in Division 10
38 (commencing with Section 11000) of the Health and Safety Code,
39 dangerous drug, or any alcoholic beverage to an extent or in a
40 manner dangerous to himself or herself, any other person, or the

1 *public, or to an extent that this use impairs his or her ability to*
2 *safely perform the practice of behavior analysis.*

3 *(c) Fraudulently or neglectfully misrepresenting the type or*
4 *status of a license actually held.*

5 *(d) Impersonating another person holding a license or allowing*
6 *another person to use his or her license.*

7 *(e) Use of fraud or deception in applying for a license or in*
8 *passing any examination required by this chapter.*

9 *(f) Paying, offering to pay, accepting, or soliciting any*
10 *consideration, compensation, or remuneration, whether monetary*
11 *or otherwise, for the referral of clients.*

12 *(g) Violating Section 17500.*

13 *(h) Willful, unauthorized communication of information received*
14 *in professional confidence.*

15 *(i) Violating any rule of professional conduct promulgated by*
16 *the board and set forth in regulations duly adopted under this*
17 *chapter.*

18 *(j) Being grossly negligent in the practice of his or her*
19 *profession.*

20 *(k) Violating any of the provisions of this chapter or regulations*
21 *duly adopted thereunder.*

22 *(l) The aiding or abetting of any person to engage in the*
23 *unlawful practice of behavior analysis.*

24 *(m) The suspension, revocation, or imposition of probationary*
25 *conditions or other disciplinary action by another state or country*
26 *of a license, certificate, or registration to practice behavior*
27 *analysis issued by that state or country to a person also holding*
28 *a license issued under this chapter if the act for which the*
29 *disciplinary action was taken constitutes a violation of this section.*
30 *A certified copy of the decision or judgment of the other state or*
31 *country shall be conclusive evidence of that action.*

32 *(n) The commission of any dishonest, corrupt, or fraudulent*
33 *act.*

34 *(o) Any act of sexual abuse or sexual relations with a patient*
35 *or former patient within two years following termination of therapy,*
36 *or sexual misconduct that is substantially related to the*
37 *qualifications, functions, or duties of a licensed behavior analyst*
38 *or a licensed assistant behavior analyst.*

1

(p) Functioning outside of his or her particular field or fields
2 of competence as established by his or her education, training,
3 and experience.

4

(q) Willful failure to submit, on behalf of an applicant for
5 licensure, verification of supervised experience to the board.

6

(r) Repeated acts of negligence.

7

(s) Failure to comply with all ethical and disciplinary standards
8 published by the certifying entity.

9 2999.63. (a) Except as provided in subdivisions (b), (c), and
10 (e), any accusation filed against a licensee pursuant to Section
11 11503 of the Government Code shall be filed within three years
12 from the date the board discovers the alleged act or omission that
13 is the basis for disciplinary action, or within seven years from the
14 date the alleged act or omission that is the basis for disciplinary
15 action occurred, whichever occurs first.

16

(b) An accusation filed against a licensee pursuant to Section
17 11503 of the Government Code alleging the procurement of a
18 license by fraud or misrepresentation is not subject to the
19 limitations set forth in subdivision (a).

20

(c) The limitation provided for by subdivision (a) shall be tolled
21 for the length of time required to obtain compliance when a report
22 required to be filed by the licensee or registrant with the board
23 pursuant to Article 11 (commencing with Section 800) of Chapter
24 1 is not filed in a timely fashion.

25

(d) If an alleged act or omission involves a minor, the seven-year
26 limitations period provided for by subdivision (a) and the 10-year
27 limitations period provided for by subdivision (e) shall be tolled
28 until the minor reaches the age of majority.

29

(e) An accusation filed against a licensee pursuant to Section
30 11503 of the Government Code alleging sexual misconduct shall
31 be filed within three years after the board discovers the act or
32 omission alleged as the ground for disciplinary action, or within
33 10 years after the act or omission alleged as the ground for
34 disciplinary action occurs, whichever occurs first.

35

(f) The limitations period provided by subdivision (a) shall be
36 tolled during any period if material evidence necessary for
37 prosecuting or determining whether a disciplinary action would
38 be appropriate is unavailable to the board due to an ongoing
39 criminal investigation.

1 2999.64. *Notwithstanding Section 2999.62, any proposed*
2 *decision or decision issued under this chapter in accordance with*
3 *the procedures set forth in Chapter 5 (commencing with Section*
4 *11500) of Part 1 of Division 3 of Title 2 of the Government Code*
5 *that contains any finding of fact that the licensee engaged in any*
6 *act of sexual contact, as defined in Section 728, when that act is*
7 *with a patient, or with a former patient, within two years following*
8 *termination of services, shall contain an order of revocation. The*
9 *revocation shall not be stayed by the administrative law judge.*

10 2999.66. *The board may deny an application for, or issue*
11 *subject to terms and conditions, or suspend or revoke, or impose*
12 *probationary conditions upon, a license or registration after a*
13 *hearing as provided in Section 2999.70.*

14 2999.67. *A plea or verdict of guilty or a conviction following*
15 *a plea of nolo contendere made to a charge which is substantially*
16 *related to the qualifications, functions, and duties of a licensed*
17 *behavior analyst or licensed assistant behavior analyst is deemed*
18 *to be a conviction within the meaning of this article. The board*
19 *may order the license suspended or revoked, or may decline to*
20 *issue a license when the time for appeal has elapsed, the judgment*
21 *of conviction has been affirmed on appeal, or when an order*
22 *granting probation is made suspending the imposition of sentence,*
23 *irrespective of a subsequent order under Section 1203.4 of the*
24 *Penal Code allowing the person to withdraw his or her plea of*
25 *guilty and to enter a plea of not guilty, or setting aside the verdict*
26 *of guilty, or dismissing the accusation, information, or indictment.*

27 2999.68. *Any person required to register as a sex offender*
28 *pursuant to Section 290 of the Penal Code, is not eligible for*
29 *licensure by the board.*

30 2999.69. *An administrative disciplinary decision that imposes*
31 *terms of probation may include, among other things, a requirement*
32 *that the licensee who is being placed on probation pay the*
33 *monetary costs associated with monitoring the probation.*

34 2999.70. *The proceedings under this article shall be conducted*
35 *by the board in accordance with Chapter 5 (commencing with*
36 *Section 11500) of Part 1 of Division 3 of Title 2 of the Government*
37 *Code.*

38 2999.80. *A person who violates any of the provisions of this*
39 *chapter is guilty of a misdemeanor punishable by imprisonment*
40 *in a county jail not exceeding six months or by a fine not exceeding*

1 two thousand five hundred dollars (\$2,500), or by both that fine
2 and imprisonment.

3 2999.81. In addition to other proceedings provided in this
4 chapter, whenever any person has engaged, or is about to engage,
5 in any acts or practices that constitute, or will constitute, an offense
6 against this chapter, the superior court in and for the county
7 wherein the acts or practices take place, or are about to take place,
8 may issue an injunction or other appropriate order restraining
9 that conduct on application of the board, the Attorney General,
10 or the district attorney of the county. Proceedings under this
11 section shall be governed by Chapter 3 (commencing with Section
12 525) of Title 7 of Part 2 of the Code of Civil Procedure, except
13 that it shall be presumed that there is no adequate remedy at law
14 and that irreparable damage will occur if the continued violation
15 is not restrained or enjoined. On the written request of the board,
16 or on its own motion, the board may commence an action in the
17 superior court under this section.

18
19 Article 5. Revenue
20

21 2999.90. The board shall report each month to the Controller
22 the amount and source of all revenue received pursuant to this
23 chapter and at the same time deposit the entire amount thereof in
24 the State Treasury for credit to the Psychology Fund established
25 by Section 2980.

26 2999.91. (a) The moneys credited to the Psychology Fund
27 under Section 2999.90 shall, upon appropriation by the
28 Legislature, be used for the purposes of carrying out and enforcing
29 the provisions of this chapter.

30 (b) The board shall keep records that will reasonably ensure
31 that funds expended in the administration of each licensing
32 category bear a reasonable relation to the revenue derived from
33 each category, and shall so notify the department no later than
34 May 31 of each year.

35 2999.93. The board shall assess fees for the application for
36 and the issuance and renewal of licenses to cover, but not exceed,
37 administrative and operating expenses of the board related to this
38 chapter. The fees shall be fixed by the board in regulations that
39 are duly adopted under this chapter. Fees assessed pursuant to
40 this section shall not exceed the following:

1 (a) The fee for the application for licensure shall be not more
2 than ____ dollars (\$____).

3 (b) The fee for the law and ethics examination shall be not more
4 than ____ dollars (\$____).

5 (c) The fee for the issuance of a license shall be not more than
6 ____ dollars (\$____).

7 (d) The fee for a biennial renewal of a license shall be not more
8 than ____ dollars (\$____).

9 (e) The delinquency fee shall be 50 percent of the biennial
10 renewal fee.

11 (f) The fee for rescoring an examination shall be twenty dollars
12 (\$20).

13 (g) The fee for issuance of a replacement license shall be twenty
14 dollars (\$20).

15 (h) The fee to change a name or address on the board's records
16 shall be twenty dollars (\$20).

17 (i) The fee for issuance of a certificate or letter of good standing
18 shall be twenty-five dollars (\$25).

19 2999.94. (a) A person licensed under this chapter is exempt
20 from the payment of the renewal fee in any one of the following
21 instances:

22 (1) While engaged in full-time active service in the Army, Navy,
23 Air Force, or Marines.

24 (2) While in the United States Public Health Service.

25 (3) While a volunteer in the Peace Corps or Vista.

26 (b) Every person exempted from the payment of the renewal fee
27 by this section shall not engage in any private practice and shall
28 become liable for the fee for the current renewal period upon the
29 completion of his or her period of full-time active service and shall
30 have a period of 60 days after becoming liable within which to
31 pay the fee before the delinquency fee becomes applicable. Any
32 person who completes his or her period of full-time active service
33 within 60 days of the end of a renewal period is exempt from the
34 payment of the renewal fee for that period.

35 (c) The time spent in that full-time active service or full-time
36 training and active service shall not be included in the computation
37 of the three-year period for renewal of an expired license specified
38 in Section 2999.45.

39 (d) The exemption provided by this section shall not be
40 applicable if the person engages in any practice for compensation

1 *other than full-time service in the Army, Navy, Air Force or*
2 *Marines or in the United States Public Health Service or the Peace*
3 *Corps or Vista.*

4 2999.98. *The licensing and regulatory program under this*
5 *chapter shall be supported from fees assessed to applicants and*
6 *licensees. Startup funds to implement this program shall be derived,*
7 *as a loan, from the reserve fund of the Board of Psychology, subject*
8 *to an appropriation by the Legislature in the annual Budget Act.*
9 *The board shall not implement this chapter until funds have been*
10 *appropriated.*

11 SEC. 10. *No reimbursement is required by this act pursuant*
12 *to Section 6 of Article XIII B of the California Constitution because*
13 *the only costs that may be incurred by a local agency or school*
14 *district will be incurred because this act creates a new crime or*
15 *infraction, eliminates a crime or infraction, or changes the penalty*
16 *for a crime or infraction, within the meaning of Section 17556 of*
17 *the Government Code, or changes the definition of a crime within*
18 *the meaning of Section 6 of Article XIII B of the California*
19 *Constitution.*

20 ~~SECTION 1. It is the intent of the legislature to enact legislation~~
21 ~~to license and regulate the profession of applied behavioral~~
22 ~~analysis.~~